

DEPARTMENT OF VETERANS AFFAIRS


Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 10, Dayton VA Medical Center Engineering Service (138)
2. **Nature and/or Description of the Action Being Processed:** *The removal, upgrading, and re-installation of our existing reverse osmosis equipment manufactured by Siemens. The work will be performed as part of an overall Building 330 SPD Renovation Project. The work is estimated at \$21,000.00.*
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** *The work will consist of removing the equipment, upgrading components and reinstalling the equipment at a different location within the Sterilization Processing Department (SPD)*
4. **Statutory Authority Permitting Other than Full and Open Competition:**
 - (X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
 - () (2) Unusual and Compelling Urgency per FAR 6.302-2;
 - () (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
 - () (4) International Agreement per FAR 6.302-4
 - () (5) Authorized or Required by Statute FAR 6.302-5;
 - () (6) National Security per FAR 6.302-6;
 - () (7) Public Interest per FAR 6.302-7;
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**
 - Having another manufacturer will likely void the warranty on the brand new unit SPS just installed.
 - The existing equipment is made by Siemens, who are best suited to move the equipment in a timely and effective manner.
 - Cutover times will be done in extremely short durations on the weekend so experience with the equipment is crucial to avoid disruption of this critical service.
 - Another manufacturer moving this equipment may lead to overlap in responsibilities, which would surely produce project delays.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** *No other manufacturer can perform the work without voiding the existing equipment warranty*
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The Contracting Officer will determine a fair and reasonable price based on competition and commercial price lists. The item is available in the commercial market place and used by private medical facilities in the area. The item will be procured as part of a construction project and the price of the contractor's offer will be determined to be fair and reasonable to the government prior to award of the contract.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was conducted by the Contracting Officer. Market research indicated the item is available from other manufacturers, but none certified third party technicians to perform maintenance. A search of the Internet did not indicate the availability of technicians capable of removing, installing, and servicing Siemens equipment. Contact was made with the Siemens Technical Department and was informed that in order to maintain the equipment warranty, Siemens needs to perform any maintenance work. This would cause the VA to procure the services of two separate maintenance contracts and increase the cost of providing maintenance services to the Sterile Processing Service. No other manufacturer can perform the work without voiding the existing equipment warranty. The manufacturer does not certify third party technicians to provide this type of service.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** *No other manufacturer can perform the work without voiding the existing equipment warranty. The manufacturer does not certify third party technicians to provide this type of service.*
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** NA
11. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:** *No action can be taken in the circumstance due to the equipment being under warranty and the need to maintain this warranty.*
12. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.


Mark Permelia
Chief Projects and Environmental Section
Dayton VA medical Center (552)

01/15/2013
Date

13. Approvals in accordance with FAR 6.304

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



Donald P. Tam
Contracting Officer
NCO 10/Dayton

1-17-13
Date

- b. **NCM/PCM (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition.



Terry Spitzmiller
Network Contract Manager
VISN/PCA X

1-18-13
Date

- c. **SAO (If over 500K):** I certify the justification meets requirements for other than full and open competition.

Ricky Lemmon
Director
Service Area Office, East

Date

- d. **VHA HCA Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over \$10million) or approve (\$500K to 10 million) for other than full and open competition.

Name
Chief Procurement and Logistics Officer
VHA Head of Contracting Activity (HCA)

Date

- e. **VA Deputy Senior Procurement Executive Approval (over \$10 million but not**

exceeding \$50 million: I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

Iris B. Cooper
Deputy Senior Procurement Executive (DSPE)
Office of Acquisition and Logistics
Department of Veterans Affairs

Date

- f. **VHA Senior Procurement Executive Approval (over \$50 million)**: I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

Jan R. Frye
Deputy Assistant Secretary for Acquisition and Logistics
Senior Procurement Executive (SPE)
Department of Veterans Affairs

Date